

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

2020 JAN 30 P 4:01

IN THE MATTER OF THE APPLICATION
FOR A WARRANT AUTHORIZING THE
INSTALLATION AND MONITORING OF
A TRACKING DEVICE IN OR ON A 2011
BLACK GMC TERRAIN, VIN
2CTFLXE59B6243027, NH REG 4346789

Case No. 19-mj-181-01-AJ

Filed Under Seal

MOTION TO EXTEND DELAY NOTICE

The United States of America requests that the Court, pursuant to 18 U.S.C. § 3103a(c) and Fed. R. Crim. P. 41(f)(3), further extend the delay for a period of 90 days (to April 28, 2020) the issuance of the notice that is required by Fed. R. Crim. P. 41(f).

The United States requested the issuance of a tracking warrant for prospective location information pursuant to Fed. R. Crim. P. 41 and 18 U.S.C. § 2703(c)(1)(A). This tracking warrant was requested as part of an ongoing investigation. Because providing notice to the target that the United States was obtaining location information regarding his vehicle could cause the target to flee, abandon his vehicle or otherwise obstruct the investigation, the Court granted a request to delay the service of notice in this case to 30 days after the collection of information concluded, on or about February 5, 2020.

To date, the target has not been taken into custody and the investigation remains ongoing. Issuing the notice in this case (even if it does not reach the target directly) could cause the target to flee, destroy evidence, abandon his vehicle or otherwise obstruct the investigation. Accordingly, the United States requests that the Court grant a further delay of the notification requirement until April 28, 2020.

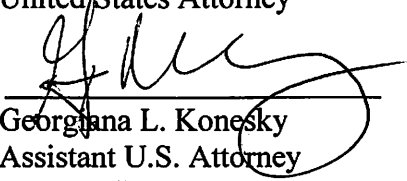
In assessing whether to further delay notice, the Court should consider the factors set out in 18 U.S.C. § 3103a(b). Here, the requested delay is necessary to avoid an adverse result. Premature disclosure of the existence of this warrant and the government's investigation could cause the target of the investigation to flee, destroy evidence or otherwise obstruct justice and hinder the success of the government's investigation. 18 U.S.C. § 3103a(b)(1). The warrant in this case provides location information and does not authorize the seizure of any tangible property or wire or electronic communications or stored information. Thus, the property being seized was limited to items that are reasonably necessary. 18 U.S.C. § 3103a(b)(1). The delay being sought is limited to 90 days, which is a permissible time period under 18 U.S.C. § 3103a(c). In light of the ongoing human trafficking investigation, the government has established good cause for the requested extension under 18 U.S.C. § 3103a(c).

For the same reasons, the United States requests that all documents related to this matter shall remain under seal during the time period when notice has been delayed.

Respectfully submitted,

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Dated: January 29, 2020